<center>**REMARKS/ARGUMENTS**</center>

This communication is in response to the Non-Final Office Action dated June 14, 2010. Claims 7 and 16 were previously canceled, without prejudice. Claims 1, 10-12, 17 and 18 have been amended. No new matter has been added. Claims 1-6, 8-15, 17 and 18 remain pending in this application with claims 1 and 12 being the only independent claims. Reconsideration is respectfully requested.

Claim Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as indefinite on the grounds that it is unclear whether the limitations "a telecommunications terminal of a recipient" and "a telecommunications device of a recipient" are the same or different components. Claims 1 and 12 have been amended so that they recite only "a telecommunications terminal of a recipient." Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, in view of the amendments to the claims is requested.

Prior Art Rejections

Claims 1-6 and 8-17 are rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. (U.S. Patent Application Publication No. 2003/0086438) in view of Gabriel et al. (U.S. Patent Application Publication No. 2004/0082348).

Claim 9 is rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. in view of Gabriel et al. and Ala-Luukko et al. (U.S. Patent Application Publication No. 2003/0064706).

Applicant respectfully traverses the prior art rejections for the reasons discussed in detail below.

Independent Claims 1 & 12

Independent claim 1 specifies "wherein the e-mail is transmitted from a sender via a polled e-mail server to the recipient" and that "the e-mails are forwarded from the polled e-mail

server to a specially configured push mail server."

The Examiner maintains that RSA 2 reads on the claimed "polled e-mail server", while RSB 12 reads on the claimed "push mail server." Applicant respectfully disagrees. These two elements (e.g., RSA and RSB) represent the same type of element, i.e., both are MMS Relay/Servers. Since both of these elements represent the same type of component (e.g., MMS Relay/Server) absent express disclosure to the contrary (which none is found in Laumen et al.) there is no basis to infer that one represents a <u>polled</u> e-mail server while the other represents a <u>push</u> mail server. To the contrary, both RSA and RSB represent two push mail servers. Accordingly, Laumen et al. fails to disclose or suggest "a polled e-mail server."

In his Response to Applicant's Arguments the Examiner clarifies his position by stating "The cited servers are in different networks, granted they bare the same name, but during message transfer, they perform different tasks, on [sic] receives the email and then forwards it (Fig. 3: 2) a push mail server (Fig. 3: 12), which in turn delivers it to the recipient. The two cited servers clearly read on the polled email server and push mail server." {June 14, 2010 Non-Final Office Action: p. 2, ll. 14-18} Applicant respectfully disagrees with the Examiner's conclusion that the sever RSA 2 in Laumen et al. is a "polled e- mail server" merely because it "receives the email and then forwards it." The difference between the two types of servers is whether the forwarding of a message is conditional upon the server receiving a request sent from a recipient (in the case of a polled e-mail server) or the message upon arrival at the server is delivered (pushed) by the server without first requiring receipt of a request from a recipient (in the case of a pushed e-mail server) {see paragraph [0008] of Laumen et al.}. In order to be considered a polled server Laumen et al. would have to disclose that server RSA 2 must receive a request sent by a recipient prior to forwarding the message to RSA 12. To the contrary, nothing in either the disclosure or drawings (see Figure 4) requires or conditions the forwarding of the MM from the RSA 2 to the RSA 12 upon receiving a request by a recipient. Accordingly, Laumen et al. fails to disclose or suggest the e-mails being "forwarded from the polled e-mail server to a specially configured push mail server."

Claim 1 is further distinguishable in that it specifies "wherein the push mail server <u>encapsulates the e-mail in a suitable content type</u>, so that the e-mail can be transmitted via MMS or WAP push format." (emphasis added) Applicant traverses the Examiner's assertion that the

limitation is taught by paragraph [0041] of Laumen et al. This paragraph of Laumen et al. teaches transmission of a MMS multi media message MM_A via WAP, which is a standard procedure <u>not requiring encapsulation of the message in a suitable content type</u>. Therefore, Laumen et al. fails to disclose or suggest transmission of an e-mail via MMS or WAP by encapsulating this e-mail in a suitable content type, as found in amended claim 1.

Addressing the Examiner's remarks in the outstanding Office Action, he acknowledges that Laumen et al. as teaches delivery of the MM between the RSA 2 and RSB 12 servers using a WAP format {June 14, 2010 Non-Final Office Action: p. 3, ll. 3-7; p. 4, ll. 20-22} Since only a single content type or format is disclosed (e.g., WAP), there is no need or disclosure in Laumen et al. for encapsulating of the message in a "suitable content type."

Independent claim 12 is the apparatus counterpart of method claim 1 and thus patentable over the prior art of record for similar reasons to those described above with respect to claim 1.

Dependent Claims 2 & 15

Claim 2 states "a <u>subscriber account</u> is established for each subscriber on the push mail server, the <u>subscriber account</u> including the telephone number of at least one telecommunication terminal <u>and</u> the e-mail address of the recipient." (emphasis added) In Laumen et al. there is no disclosure or suggestion for creating such an account including both pieces of information. There is no need or motivation to create such an account based on the two pieces of information since both service providers are MMS service providers. The Examiner acknowledges that Laumen et al. fails to disclose this limitation but relies on Gabriel et al. as a secondary reference to teach this feature. Gabriel et al. discloses "To use this feature of the system a <u>user</u> can create a regular SMS message in the user's email program, <u>and addresses the message to the desired recipient's telephone number at the management server's address</u> (recipient'snumber@managementsever.com)." {Paragraph [0233]} Thus, in Gabriel et al. the <u>user themselves</u> must address the message to the desired recipient's telephone number at the management server's address, whereas in the present claimed invention this function is performed by the push mail server based on the subscriber account. All the user is required to supply with the e-mail message is the recipient's e-mail address. No teaching or suggestion in either Laumen et al. or Gabriel et al. is found for a subscriber account being established for each

subscriber on a push mail sever, wherein "the subscriber account including the telephone number of at least one telecommunication terminal and the original e-mail address of the recipient," as found in claim 2.

Furthermore, Gabriel et al. discloses a subscriber account including a telephone number (receeipient'snumber@managementserver.com) {paragraph [0233]} and that "a user's account can also be set up to receive SMS messages via email." {paragraph [0234]} Accordingly, Gabriel et al. discloses the account being based on <u>either</u> the telephone number or the e-mail address, but not <u>both</u>, as called for in claim 2.

In the outstanding Office Action the Examiner has maintained this prior art rejection but failed to address why the arguments presented in the May 5, 2010 Amendment and restated again herein are not deemed persuasive. Should the Examiner maintain this rejection Applicants request that he provide remarks as to why the arguments presented above do not distinguish over the prior art cited.

Claim 15 contains a limitation similar to that found in claim 2 and thus is patentable over the prior art of record for at least the same reasons discussed above with respect to claim 2.

Dependent Claim 5

Claim 5 calls for "wherein the push mail server is connected to the MMS or WAP push systems of the employed telecommunication network." The Examiner maintains that MMS Relay/Server RSB reads on the claimed "push mail server." The MMS Relay/Server RSB is in fact <u>part of</u> the MMS push system rather than <u>connected to</u> the push system.

In the outstanding Office Action the Examiner has maintained this prior art rejection but failed to address why the arguments presented in the May 5, 2010 Amendment and restated again herein are not deemed persuasive. Should the Examiner maintain this rejection Applicants request that he provide remarks as to why the arguments presented above do not distinguish over the prior art cited.

Dependent Claims 10 & 17

Claims 10 and 17, as amended, recite "wherein a conventional WAP client or MMS client, which detects and processes the e-mails encapsulated <u>in the suitable content type</u>, is installed in the telecommunication terminal." (emphasis added)

Once again referring to paragraph [0041] of Laumen et al. on which the Examiner basis his rejection, such limitation as found in dependent claim 10 is neither disclosed nor suggested. Paragraph [0041] of Laumen et al. discloses a receiving application (UAB 11) in the receiving terminal. Suitable receiving applications include, for example, either a WAP client or MMS client. Regardless of whether the client is either a WAP client or MMS client, the MM is transmitted via only a single content type or format (e.g., WAP). Accordingly, since only one format at a time is recognized, Laumen et al. fails to disclose or suggest that the UAB is capable of processing e-mails encapsulated <u>in the suitable content type</u>." (emphasis added)

Claim 17 is the apparatus counterpart of method claim 10 and thus patentable over the prior art of record for similar reasons to those described above with respect to claim 10.

Dependent Claims 11 & 18

Claim 11 calls for "wherein, if message units encapsulated with the suitable content type are detected, the e-mail contained therein is extracted and transmitted to the e-mail client of the telecommunication terminal." Paragraph [0347] of Laumen et al. teaches that the MMS service uses an e-mail address format for identifying the sender and receiver. However, Laumen et al. neither discloses nor suggests that the MMS client is able to detect message units encapsulated <u>with the suitable content type</u>. For reasons similar to those discussed above with respect to claims 1 & 10, Laumen et al. fails to disclose or suggest e-mail encapsulated with the suitable content type since only a single format (e.g., WAP format) is utilized.

Claim 18 is the apparatus counterpart of method claim 11 and thus patentable over the prior art of record for similar reasons to those described above with respect to claim 11.

For the foregoing reasons, Applicant submits that the claims are patentable over the prior art of record and passage of this application to issuance is therefore requested.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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